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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,190	09/12/2003	Paul Harris	27600/M303A	9372
4743	7590	09/21/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/662,190	HARRIS, PAUL	
	Examiner Anthony H Nguyen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/24/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Claim Objections***

Claims 12-27 are objected to because the element “a flicker bar” (claim 12 lines 7,12, claim 17, lines 7,14, claim 22 lines 3) is inferentially recited. Additionally, the language “about 50% less than the bristle density of a conventional blanket wash head brush” (claim 22 lines 7 and 8) is vague since what bristle density is considered to be a conventional bristle density is unclear.

***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 - 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the disclosure fails to teach any specific structure for the flicker bar which contacts “at least some of the bristles when the brush is in the second position” (claim 1, lines 9 and 10).

To the extent the claims are positively recited structure, it appears that the following prior art rejection is proper.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 9, 12, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kossak (US 4,015,307).

Kossak teaches a system for cleaning blanket cylinder having a brush 32 including a plurality of bristles 89 which are spaced away from a contacting position (Kossak, Fig.1), a flicker bar 100 which is positioned within the housing 28 to contact the bristles 89 (Kossak, Fig.5) and a conduit 80 for flow communication with a source of a cleaning solution to the brush and the blanket cylinder.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 8, 10, 13, 18 and 20- 27 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kossak (US 4,015,307) in view of Meinecke (US 4,556,453).

With respect to claims 2, 13,18 and 22, Kossak teaches all that is claimed, except for brush having bristles which are made of polyester material. Meinecke teaches a brush 10 having bristles which are made of polyester material (Meinecke, col.5 lines 58-65). In view of the teaching of Meinecke, it would have been obvious to one of ordinary skill in the art to modify the brush of Kossak by providing the brush having bristles made of polyester as taught by Meinecke for optimum cleaning effects. Also, note that Kossak teaches the use of bristles having diameter in the range of 0.010 - 0.012 inch (Kossak, col.6, lines 4-7) which is well in the range as recited in claim 10, and that the absorbency rate of 0.05 percent while not specifically stated in Kossak and Meinecke is obvious since the absorbency rate is depending on the known material used for the bristle and the cleaning liquid used for cleaning the blanket cylinder. Thus, the absorbency rate as recited involves no apparent unobviouness. With respect to claims 21, 25 and 26, the bristles of Kossak are arranged in rows and are clumped in groups as shown in Fig.3 of Kossak. With respect to claims 20 and 24, the use of a brush having bristles which are arranged in a spiral pattern is well known in the art. With respect to claim 27, the selection of a desired relative between the diameter and the length of the bristles or the stiffness ratio would be obvious through routine experimentation in order to get best possible cleaning effects.

Claims 11, 14, 16 and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kossak in view of Meinecke as applied to claims 2-6, 8, 10, 13, 18 and 20- 27 above, and further in view of Nambu (US 5,383,404).

With respect to claims 11, 14 and 19, Kossak and Meinecke teaches all that is claimed, except for the use of bristles having a diameter which is about nine thousands of an inch. Nambu the use of bristles having diameter of about 0.2 - 0.3 mm or in the range of 0.008 - 0.012 inch (Nambu, col.3 lines 20-22). In view of the teaching of Nambu, it would have been obvious to one of ordinary skill in the art to modify the brush of Kossak and Meinecke by

providing the brush having the bristles as taught by Nambu for maintaining optimum cleaning effects. With respect to claim 16, the bristles of Kossak are arranged in rows as shown in Fig.3 of Kossak.

Claim 15 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kossak in view of Meinecke as applied to claims 11,14,16 and 19 above, and further in view of Gasparini et al. (US 5,265,537).

Kossak, Meinecke and Nambu teaches all that is claimed, except for the use of bristles which are arranged in a spiral pattern. Gasparini et al. teaches the conventional use of a brush having bristles which are arranged in a spiral pattern (Gasparini et al., Fig.5). In view of the teaching of Gasparini et al., it would have been obvious to one of ordinary skill in the art to modify the brush of Kossak by substituting the brush as taught by Gasparini et al. for avoiding excess stress or wear on the surface of the blanket to be cleaned.

### *Conclusion*

The patents to Frankel et al., Seefried, Jahn et a., Sawayama are cited to show other structures and methods having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Anthony Nguyen". The signature is fluid and cursive, with "Anthony" on top and "Nguyen" on the bottom, slightly overlapping.

Anthony Nguyen  
9/17/04  
Patent Examiner  
Technology Center 2800